

REMARKS

This Supplemental Preliminary Amendment is being submitted at the request of Supervisory Patent Examiner Amy Nelson and puts the claims in form for allowance as suggested by Supervisory Patent Examiner Amy Nelson on November 7, 2003. Applicant respectfully submits that this Supplemental Preliminary Amendment will not unduly interfere with the preparation of the first Office Action.

The present application relates to inbred maize line 39R62. Claims 5-66 have been canceled. Claims 9-19, 21-43, 55, 58-59 and 64-65 were previously canceled in the Preliminary Amendment submitted on July 21, 2003. Applicant acknowledges the addition of new claims 67 through 80 as suggested by Supervisory Patent Examiner Amy Nelson on November 7, 2003. The new claims do not add new matter as there is support for the claims in the originally filed specification. Support for the specific items noted in the claims can be found within the specification for *Bacillus thuringiensis* on page 35; for imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine, and benzonitrile on pages 37-38; for phytase on page 38; for steryl-ACP desaturase, fructosyltransferase, levansucrase, alpha-amylase, invertase, starch branching enzyme, and increased amylose starch on pages 38-39. No new matter has been added. Entry of this Supplemental Preliminary Amendment and approval of the changes is respectfully requested.

In addition, Applicant herein submits the Summary of the Invention section has been amended to include the ATCC Accession Numbers of the inbred parents GE570800 and GE533276 on page 7 and the Deposits section has been amended in order to properly include both the hybrid maize plant 39R62 and the inbred parents GE571367 and GE533418 and the corresponding ATCC Accession Numbers within the Deposit paragraph on page 42. The changes do not add new matter as there is literal support for the minor changes on page 7 in the originally filed specification. The Specification has now been amended to correct these minor changes. The Applicant further provides assurance that at least 2500 seeds of hybrid maize plant 39R62 and the inbred parents GE570800 and GE533276 have been deposited with the ATCC. Copies of the ATCC deposit receipts are included in this response. In view of this assurance, the rejection under 35 U.S.C. § 112, first paragraph, should be removed. (MPEP § 2411.02).

Applicant acknowledges that claims 67-80 have been agreed upon as allowable by Supervisory Patent Examiner Amy Nelson as aforementioned, thereby placing these claims in form for allowance. Applicant has canceled all non-allowable claims thereby placing the application in condition for allowance and has complied with all requirements of form set forth in previous office actions.

In conclusion, Applicant submits in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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